

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 05-cr-10079

United States of America

v.

Marcos Santos

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 12/1/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on January 18, 2006.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 1/18/06.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, INTERP

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-10079-RCL-ALL**

Case title: USA v. Santos

Date Filed: 03/23/2005

Assigned to: Judge Reginald C.
Lindsay

Defendant

Marcos Rodriguez Santos (1)

TERMINATED: 11/30/2005

also known as

Marcos Coelho (1)

TERMINATED: 11/30/2005

also known as

Marcos Rodriguez Coelho (1)

TERMINATED: 11/30/2005

also known as

Rogério Oliveira (1)

TERMINATED: 11/30/2005

also known as

Marcos Santos (1)

TERMINATED: 11/30/2005

represented by **John F. Palmer**

Law Office of John F. Palmer,
P.C.

24 School Street

8th Floor

Boston, MA 02108

617-723-7010

Fax: 617-723-5601

Email: jpalmer@socialaw.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts

**8:1326.F ILLEGAL REENTRY
OF DEPORTED ALIENS**

(1)

Disposition

The Court orders the defendant committed to the custody of the Bureau of Prisons for a term of 37 months. Upon release, the defendant is placed on supervised release for a term of 2 years with special conditions. The Court further imposes a special assessment of \$100

Highest Offense Level

(Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Nadine Pellegrini**
 United States Attorney's Office
 John Joseph Moakley Federal
 Courthouse
 1 Courthouse Way
 Suite 9200
 Boston, MA 02210
 617-748-3107
 Fax: 617-748-3951
 Email:
 nadine.pellegrini@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/23/2005	<u>1</u>	INDICTMENT as to Marcos Rodriguez Santos (1) count(s) 1. (Diskes, Sheila) (Entered: 03/24/2005)
03/23/2005	<u>2</u>	Judge Reginald C. Lindsay : ORDER entered. ORDER REFERRING CASE to Magistrate Judge Marianne B. Bowler Reason for referral: Pretrial as to Marcos Rodriguez Santos (Diskes, Sheila) (Entered: 03/24/2005)
03/25/2005		Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Initial appearance for Marcos

		Rodriguez Santos held on 3/25/2005; Waqar Hasib for the govt. and John Palmer for the deft.; Claudia Azoff, Portuguese/Brazilian interpreter and John Riley for Pretrial Services; Deft. is informed of the charges, rights and right to counsel; Deft. completes a financial affidavit and the court orders the appointment of counsel forthwith; Counsel for the deft. requests that the deft. is not questioned at this time; The govt. moves for detention and a continuance; The court sets a detention hearing for 3/29/2005 at 2:30 PM; Deft. is remanded to the custody of the U.S. Marshals. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 03/25/2005)
03/25/2005	4	Magistrate Judge Marianne B. Bowler: ORDER entered; CJA 20 for Marcos Rodriguez Santos: Appointment of Attorney John F. Palmer for Marcos Rodriguez Santos. (Saccoccio, Dianalynn) (Entered: 03/25/2005)
03/29/2005	5	Judge Marianne B. Bowler: Electronic ORDER entered. ORDER OF VOLUNTARY DETENTION WITHOUT PREJUDICE as to Marcos Rodriguez Santos. (Bowler, Marianne) (Entered: 03/29/2005)
03/29/2005		Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Arraignment for Marcos Rodriguez Santos (1) Count 1 held on 3/29/2005; Nadine Pellegrini for the govt., John Palmer for the deft., Claudia Azoff, Portuguese interpreter and Thomas O'Brien, Pretrial Services; Counsel for the deft. consents to voluntary detention without prejudice; The court will issue an order of voluntary detention forthwith; Deft. waives the reading of the indictment in its entirety and pleads not guilty to count 1; The govt. anticipates five witnesses and the trial to last two to three days; An initial status conference is set for 5/10/2005 at 2:30 PM; The deft. is remanded to the custody of the U.S. Marshals. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 03/29/2005)
04/01/2005	6	Arrest Warrant Returned Executed on 3/25/5. as to Marcos Rodriguez Santos. (Stanhope, Don) (Entered: 04/05/2005)
05/06/2005		Set/Reset Hearings for Marcos Rodriguez Santos: Further status conference reset for 5/10/2005 at 2:15 PM in Courtroom 25 before Magistrate Judge Marianne B. Bowler; PLEASE NOTE: TIME CHANGE ONLY. (Saccoccio, Dianalynn) (Entered: 05/06/2005)

05/10/2005		Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Initial status conference for Marcos Rodriguez Santos held on 5/10/2005; Nadine Pellegrini for the govt. and John Palmer for the deft.; Parties indicate that discovery is still pending on the case and request additional time; An interim status conference is set for 5/24/2005 at 2:15 PM; Parties agree to exclude the time from today to 5/24/2005 and the govt. will file an assented to motion to exclude the time. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 05/10/2005)
05/17/2005	●	Set/Reset Hearings for Marcos Rodriguez Santos: Further status conference set for 5/24/2005 at 2:00 PM in Courtroom 25 before Magistrate Judge Marianne B. Bowler; PLEASE NOTE: TIME CHANGE ONLY. (Saccoccio, Dianalynn) (Entered: 05/17/2005)
05/23/2005	7	Joint MOTION to Exclude <i>Time from 5/10/05 until 5/24/05</i> as to Marcos Rodriguez Santos by Marcos Rodriguez Santos, USA. (Pellegrini, Nadine) (Entered: 05/23/2005)
05/24/2005	●	Judge Marianne B. Bowler: Electronic ORDER entered granting 7 Motion to Exclude as to Marcos Rodriguez Santos (1). (Bowler, Marianne) (Entered: 05/24/2005)
05/24/2005	●	Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Further status conference for Marcos Rodriguez Santos held on 5/24/2005; Nadine Pellegrini for the govt. and John Palmer for the deft.; Counsel for the deft. requests a continuance to review the discovery that was given to him by the govt. and the govt. is amenable to the request; A final status conference is set for 6/23/2005 at 2:00 PM; The parties agree to exclude the time from today to 6/23/2005 and the govt. will file an assented to motion to exclude the time. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 05/24/2005)
05/26/2005	8	Joint MOTION for Excludable Delay from 5/24/05 to 6/23/05 as to Marcos Rodriguez Santos by Marcos Rodriguez Santos, USA. (Pellegrini, Nadine) (Entered: 05/26/2005)
05/27/2005	●	Judge Marianne B. Bowler: Electronic ORDER entered granting 8 Motion to Exclude as to Marcos Rodriguez Santos (1). (Bowler, Marianne) (Entered: 05/27/2005)
06/23/2005	9	STATUS REPORT <i>Final and Jointly</i> by Marcos Rodriguez

		Santos, USA as to Marcos Rodriguez Santos (Pellegrini, Nadine) (Entered: 06/23/2005)
06/23/2005	<u>10</u>	Joint MOTION for Excludable Delay from 3/25/05 to 4/26/05 <i>and Request to Transfer Case to District Court</i> as to Marcos Rodriguez Santos by Marcos Rodriguez Santos, USA. (Pellegrini, Nadine) (Entered: 06/23/2005)
06/23/2005	●	Judge Marianne B. Bowler: Electronic ORDER entered granting <u>10</u> Motion to Exclude as to Marcos Rodriguez Santos (1). (Bowler, Marianne) (Entered: 06/23/2005)
06/23/2005	<u>11</u>	Magistrate Judge Marianne B. Bowler: ORDER entered; REPORT AND ORDER on Final Status Conference for Marcos Rodriguez Santos. (Saccoccio, Dianalynn) Additional attachment(s) added on 6/23/2005 (Saccoccio, Dianalynn). (Entered: 06/23/2005)
06/23/2005	●	Judge update in the case of Marcos Rodriguez Santos. Magistrate Judge Marianne B. Bowler no longer assigned to the case. (Saccoccio, Dianalynn) (Entered: 06/23/2005)
06/29/2005	●	NOTICE OF HEARING as to Marcos Rodriguez Santos Pretrial Conference set for 8/16/2005 03:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 06/29/2005)
07/05/2005	<u>12</u>	MOTION for Rule 11 Hearing as to Marcos Rodriguez Santos. (Palmer, John) (Entered: 07/05/2005)
07/12/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>12</u> Motion for Rule 11 Hearing as to Marcos Rodriguez Santos (1) (Hourihan, Lisa) (Entered: 07/12/2005)
07/12/2005	●	Set/Reset Deadlines/Hearings as to Marcos Rodriguez Santos: Change of Plea Hearing set for 8/3/2005 11:00 AM in Courtroom 11 before Judge Reginald C. Lindsay. Any written plea agreement to be filed three business days before the plea date. If no plea agreement, counsel to notify the clerk three business days before the plea date. A failure to follow these instructions may result in the cancellation of the Rule 11 hearing at the discretion of the court. (Hourihan, Lisa) (Entered: 07/12/2005)
08/03/2005	●	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Change of Plea Hearing as to Marcos Rodriguez Santos held on 8/3/2005. Defendant retracts

		previous plea of not guilty and enters plea of guilty to Count 1 of the Indictment. Court finds factual basis, the plea is accepted and entered by Marcos Rodriguez Santos (1) Guilty Count 1. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 08/04/2005)
08/04/2005	<u>13</u>	Judge Reginald C. Lindsay : ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Marcos Rodriguez Santos Sentencing set for 11/28/2005 02:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 08/04/2005)
11/23/2005	<u>14</u>	SENTENCING MEMORANDUM by Marcos Rodriguez Santos (Palmer, John) (Entered: 11/23/2005)
11/29/2005	<u>15</u>	ElectronicClerk's Notes for proceedings held before Judge Reginald C. Lindsay :Sentencing held on 11/29/2005 for Marcos Rodriguez Santos (1), Count(s) 1. The Court finds the Total Offense Level to be 21 and the Criminal History Category to be I. Arguments on defendants motion for downward departure. Motion denied. The Court orders the defendant committed to the custody of the Bureau of Prisons for a term of 37 months. Upon release, the defendant is placed on supervised release for a term of 2 years with special conditions. The Court further imposes a special assessment of \$100. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 11/29/2005)
11/30/2005	<u>16</u>	Judge Reginald C. Lindsay : ORDER entered. JUDGMENT as to Marcos Rodriguez Santos (1), Count(s) 1, The Court orders the defendant committed to the custody of the Bureau of Prisons for a term of 37 months. Upon release, the defendant is placed on supervised release for a term of 2 years with special conditions. The Court further imposes a special assessment of \$100 (Hourihan, Lisa) (Entered: 12/01/2005)
12/01/2005	<u>15</u>	NOTICE OF APPEAL by Marcos Rodriguez Santos Filing fee \$ 255. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerk/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/21/2005. (Palmer, John) (Entered: 12/01/2005)

